

No. 55
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Thursday, June 9, 2005.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Barcia—present
Basham—present
Bernero—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Emerson—present
Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

Olshove—present
Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Reverend Dennis Haarer of Hillsdale Assembly of God of Jonesville offered the following invocation:

Our heavenly Father, we are grateful for this opportunity today to come to do business. Lord, today we ask Your blessings upon this Senate in session today.

Lord, we are so thankful to live in this great country America, the country that You have founded and that Your hand has been upon. Lord, today we invite Your blessings, Your presence in this room today to give us wisdom and guidance, Lord. We ask again Your hand and Your blessings upon this Senate in session today, God.

In the name of Jesus we pray. Amen.

The President pro tempore, Senator Birkholz, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Schauer moved that Senator Bernero be temporarily excused from today's session.
The motion prevailed.

Senator Hammerstrom moved that Senator Johnson be temporarily excused from today's session.
The motion prevailed.

The following communication was received:
Office of the Auditor General

June 8, 2005

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the State-Funded Judicial Operations for the period October 1, 2002 through September 30, 2004.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 8:
House Bill Nos. 4322 4813 4814 4815 4816 4817 4818 4819

The Secretary announced that the following official bills were printed on Wednesday, June 8, and are available at the legislative website:

Senate Bill Nos.	564	565	566	567	568	569	570	571											
House Bill Nos.	4869	4870	4871	4872	4873	4874	4875	4876	4877	4878	4879	4880	4881	4882					
	4883	4884	4885	4886	4887	4888	4889	4890	4891	4892	4893								

Messages from the House

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

Senate Bill No. 352

House Bill No. 4434

Senate Bill No. 282

The motion prevailed.

Senate Bill No. 189, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17766b. The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal,

environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 17766e.

Pursuant to rule 3.202, the bill was laid over one day.

Third Reading of Bills

Senator Hammerstrom moved that the following bills and joint resolution be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 533

Senate Joint Resolution C

Senate Bill No. 211

Senate Bill No. 212

Senate Bill No. 213

Senate Bill No. 214

Senate Bill No. 215

Senate Bill No. 216

Senate Bill No. 217

Senate Bill No. 507

Senate Bill No. 482

House Bill No. 4447

Senate Bill No. 551

Senate Bill No. 380

Senate Bill No. 446

Senate Bill No. 447

House Bill No. 4560

House Bill No. 4562

House Bill No. 4567

House Bill No. 4613

Senate Bill No. 335

The motion prevailed.

Senators Bernero, Johnson and Thomas entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 533, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending the title and sections 4 and 13 (MCL 125.2004 and 125.2013), sections 4 and 13 as amended by 1987 PA 278, and by adding section 94 and chapter 8A.

The question being on the passage of the bill,

Senators Garcia, Sikkema and Emerson offered the following amendments:

1. Amend page 8, line 5, after “**SUPPORT**” by striking out “**AND ASSIST**” and inserting a comma and “**ASSIST, FINANCE, OR PROMOTE**”.

2. Amend page 22, line 11, after “(viii)” by inserting “**EXCEPT AS PROVIDED IN SUBPARAGRAPH (vi)**”.

3. Amend page 27, line 11, by striking out all of subdivisions (A) and (B) and inserting:

“(A) EIGHT MEMBERS REPRESENTING BUSINESS WITH EXPERTISE, KNOWLEDGE, SKILL, OR EXPERIENCE IN VENTURE CAPITAL INVESTMENTS, BUSINESS FINANCE, BRINGING COMPETITIVE EDGE TECHNOLOGY PRODUCTS TO MARKET, OR REPRESENTING A QUALIFIED BUSINESS.”

(B) A MEMBER REPRESENTING THE VAN ANDEL INSTITUTE OR A SUCCESSOR ORGANIZATION.”.

4. Amend page 27, line 24, by striking out all of subdivision (E) and relettering the remaining subdivisions.

5. Amend page 28, line 9, by striking out all of subdivision (I).

The amendments were adopted, a majority of the members serving voting therefor.

Senators Garcia, Sikkema and Emerson offered the following amendments:

1. Amend page 1, line 3, after “the” by striking out “Michigan strategic fund” and inserting “**JOBS FOR MICHIGAN FUND**”.

2. Amend page 1, line 7, after the first “the” by striking out “Michigan strategic fund” and inserting “**JOBS FOR MICHIGAN FUND**”.

3. Amend page 1, line 8, after “the” by striking out the balance of the line through “fund” on line 9 and inserting “**JOBS FOR MICHIGAN FUND**”.

4. Amend page 2, line 1, after “the” by striking out the balance of the line through “fund” on line 2 and inserting “**JOBS FOR MICHIGAN FUND**”.

5. Amend page 2, line 10, after the second “the” by striking out “Michigan strategic fund” and inserting “**JOBS FOR MICHIGAN FUND**”.

6. Amend page 2, following line 14, by inserting:

“Sec. 3. This act shall be known and may be cited as the ~~“Michigan strategic fund act”~~ “**JOBS FOR MICHIGAN FUND ACT**”.”.

7. Amend page 2, line 16, after the second “the” by striking out the balance of the line through “fund” on line 17 and inserting “**JOBS FOR MICHIGAN FUND**”.

8. Amend page 3, line 7, after “the” by striking out “Michigan strategic fund” and inserting “**JOBS FOR MICHIGAN FUND**”.

9. Amend page 16, line 21, by striking out “**BOARD**” and inserting “**FUND**”.

10. Amend page 16, line 25, by striking out “**BOARD**” and inserting “**FUND**”.

11. Amend page 16, line 27, after “**THE**” by striking out “**BOARD**” and inserting “**FUND**”.

12. Amend page 19, line 7, after the second “**THE**” by inserting “**FUND ONLY AS DETERMINED BY THE**”.

13. Amend page 19, line 10, after “**NOT**” by inserting “**AUTHORIZE THE FUND TO**”.

14. Amend page 20, line 1, after “**THE**” by inserting “**FUND AS DETERMINED BY THE**”.

15. Amend page 20, line 9, after the first “**THE**” by striking out “**BOARD TO PAY ITS COSTS AND THE COSTS OF THE MEDC**” and inserting “**FUND TO PAY THE COSTS OF THE MEDC AND THE BOARD**”.

16. Amend page 20, following line 15, by inserting:

“(8) **THE FUND SHALL PROVIDE ALL STAFFING, SUPPORT, AND ADMINISTRATIVE SERVICES NECESSARY TO IMPLEMENT THIS SECTION AND SUFFICIENT TO ALLOW THE BOARD TO PERFORM ITS DUTIES UNDER THIS CHAPTER. THE POWERS AND DUTIES GRANTED TO THE FUND UNDER THIS CHAPTER SHALL BE CONSIDERED TRANSFERRED TO AND VESTED IN THE MEDC AND SHALL BE PERFORMED BY THE MEDC AS A JOINT EXERCISE OF POWER AUTHORIZED UNDER THE URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.**”.

17. Amend page 20, line 17, after “**CREATED**” by striking out “**AS AN INDEPENDENT AGENCY**”.

18. Amend page 20, line 20, after “**GROWTH.**” by striking out the balance of the subsection.

19. Amend page 20, line 27, by striking out “**BY THE BOARD**”.

20. Amend page 20, line 27, after the second “**THE**” by inserting “**FUND AS DETERMINED BY THE**”.

21. Amend page 21, line 5, after the first “**THE**” by inserting “**FUND AS DETERMINED BY THE**”.

22. Amend page 22, line 1, after “**BOARD**” by inserting “**SHALL NOT AUTHORIZE AND THE FUND**”.

23. Amend page 22, line 17, after “**THE**” by striking out “**BOARD**” and inserting “**FUND**”.

24. Amend page 22, line 18, after “**EXPERTS**” by inserting “**SELECTED BY THE BOARD**”.

25. Amend page 25, line 18, after “**BOARD**” by inserting “**AND THE FUND**”.

26. Amend page 25, line 22, after “**THE**” by inserting “**FUND AS DETERMINED BY THE**”.

27. Amend page 26, line 9, after the first “**THE**” by striking out “**BOARD**” and inserting “**FUND**”.

28. Amend page 26, line 12, by striking out all of subsection (10) and renumbering the remaining subsections.

29. Amend page 32, following line 22, by inserting:

“**SEC. 95. BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, ALL STATUTORY AND OTHER REFERENCES TO THE MICHIGAN STRATEGIC FUND SHALL BE CONSIDERED REFERENCES TO THE JOBS FOR MICHIGAN FUND AND STATUTORY AND OTHER REFERENCES TO THE MICHIGAN STRATEGIC FUND ACT SHALL BE CONSIDERED REFERENCES TO THIS ACT. NOTHING IN THE AMENDATORY ACT THAT ADDED THIS SECTION SHALL BE CONSTRUED TO ALTER ANY RIGHTS, RESPONSIBILITIES, OR OBLIGATIONS OF THE MICHIGAN STRATEGIC FUND, WHICH SHALL REMAIN THE RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF THE JOBS FOR MICHIGAN FUND.**”.

The amendments were adopted, a majority of the members serving voting therefor.

Senator Prusi offered the following amendment:

1. Amend page 12, line 22, after “**EXCEED**” by striking out “**\$1,000,000,000.00**” and inserting “**\$2,000,000,000.00**”. The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Sikkema offered the following amendments:

1. Amend page 26, line 14, after “**GRANT**” by striking out the balance of the line through “**SOLICITED OR**” and inserting “**AN APPLICANT WHO HAS**”.
2. Amend page 26, line 19, after “**LEGISLATURE**” by inserting “**IN THE IMMEDIATELY PRECEDING 2-YEAR PERIOD**”.

3. Amend page 26, line 20, by striking out all of subsection (11) and inserting:

“(11) WHEN THE BOARD APPROVES A GRANT OR A LOAN UNDER THIS CHAPTER, THE BOARD SHALL STATE THE SPECIFIC OBJECTIVE REASONS THE APPLICANT WAS SELECTED OVER OTHER APPLICANTS FOR A GRANT OR LOAN UNDER THIS CHAPTER.

“(12) THE BOARD AND INDEPENDENT PEER REVIEW EXPERTS SHALL NOT CONSIDER IF AN APPLICANT FOR A GRANT OR LOAN MADE A CONTRIBUTION OR EXPENDITURE, AS DEFINED UNDER THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.201 TO 169.282, OR DID NOT MAKE A CONTRIBUTION OR EXPENDITURE, TO ANY BALLOT QUESTION COMMITTEE ESTABLISHED FOR THE PASSAGE OR DEFEAT OF SENATE JOINT RESOLUTION C OF THE 93RD LEGISLATURE.”.

The amendments were adopted, a majority of the members serving voting therefor.

Senator Prusi offered the following amendment:

1. Amend page 33, line 2, by striking out all of enacting section 3.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas offered the following amendment:

1. Amend page 22, following line 16, by inserting:

“(x) A PROVISION THAT MINORITY-OWNED, FEMALE-OWNED, AND BUSINESSES REPRESENTATIVE OF TRADITIONALLY UNDERSERVED COMMUNITIES SHALL BE PROVIDED CONSIDERATION IN THE APPLICATION PROCESS IN ORDER TO ASSURE OPPORTUNITY FOR ALL BUSINESSES.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 199

Yeas—15

Barcia	Cherry	Leland	Scott
Basham	Clark-Coleman	Olshove	Switalski
Bernero	Clarke	Prusi	Thomas
Brater	Jacobs	Schauer	

Nays—22

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Excused—0

Not Voting—1

Emerson

In The Chair: Birkholz

Protest

Senator Hardiman, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Thomas to Senate Bill No. 533.

The motion prevailed.

Senator Hardiman's statement is as follows:

I certainly support what the good Senator is proposing to do in the amendment. In looking at the language, I don't know exactly what "special consideration" means. I certainly support reaching out and being very inclusive. Although I'm going to vote against the amendment, I would be willing to work with him to ensure that all people have equal access and opportunity to these funds.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 200**Yeas—31**

Allen	Clark-Coleman	Hardiman	Schauer
Barcia	Clarke	Jacobs	Scott
Basham	Cropsey	Johnson	Sikkema
Bernero	Emerson	Kuipers	Stamas
Birkholz	Garcia	Leland	Switalski
Brater	George	Olshove	Thomas
Brown	Goschka	Patterson	Van Woerkom
Cherry	Hammerstrom	Prusi	

Nays—7

Bishop	Gilbert	McManus	Toy
Cassis	Jelinek	Sanborn	

Excused—0**Not Voting—0**

In The Chair: Birkholz

Senator Garcia offered to amend the title to read as follows:

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending the title and sections 3, 4, and 13 (MCL 125.2003, 125.2004, and 125.2013), sections 4 and 13 as amended by 1987 PA 278, and by adding sections 94 and 95 and chapter 8A.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Thomas asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Thomas' statement is as follows:

This amendment is really about principle and defining that Michigan is a state of equal opportunity; that as we set the table on how we are going to go forward, as a chamber, as we set the table for how Michigan is going to continue to build an economy, that is representative of all people; that women-owned and minority-owned businesses have an opportunity to participate in these next-generation economies. Specifically, this changes the peer review process. It inserts one addition into the peer review process; a provision that consideration be given—not a mandate, not a set aside, not a preference, but that consideration be given—to women-owned and minority-owned businesses so that Michigan can assure that equal opportunity for all businesses is met.

I think this is fair. This, again, is not about job retraining; this is not about job retention. This is about dreaming on what Michigan can become in the 21st century. It is predicated on the belief that women and minorities have not always participated fully in our 20th century economy, but why can't we? As we dream about what our 21st century and 22nd century economies can develop, why can't all people have a seat at that table? I think that it is a fair representation. It says that it is, basically, the intent of this Legislature that we will ensure, that we will guarantee economic opportunity for all people.

The constituents whom I represent currently and in the future don't always just want to be employees; they want to be employers. They have great ideas; they have great tools at their disposal to do that. This Legislature now, as we dream big for the state, can definitively say that all people should be able to have that same dream and that all people should be afforded that same opportunity.

Again, this doesn't cost the state any money. It doesn't mandate that folks be given any special preference, although other parts of this bill do have certain mandates. It simply sets the table for what we believe Michigan can and should become in the 21st century.

I hope that my colleagues would give it some consideration.

The following joint resolution was read a third time:

Senate Joint Resolution C, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 15 of article IX, to authorize the issuance of general obligation bonds and to finance the creation of new jobs in this state.

The question being on the adoption of the joint resolution,

Senator Prusi offered the following amendment:

1. Amend page 2, line 8, after "**EXCEED**" by striking out "**\$1,000,000,000.00**" and inserting "**\$2,000,000,000.00**". The amendment was not adopted, a majority of the members serving not voting therefor.

Senators Garcia, Sikkema and Emerson offered the following amendments:

1. Amend page 2, line 7, after "(2)" by inserting "**THE JOBS FOR MICHIGAN FUND IS AUTHORIZED TO ENGAGE IN ACTIVITIES TO DIVERSIFY THE ECONOMY AND ENCOURAGE ECONOMIC JOB CREATION IN THIS STATE BASED ON RECOMMENDATIONS FROM BUSINESS AND TECHNOLOGY EXPERTS.**".

2. Amend page 2, line 13, after "**EXPENDED**" by inserting "**BY THE JOBS FOR MICHIGAN FUND**".

3. Amend page 2, line 14, after "**TO**" by striking out the balance of the line through "**JOBS**" on line 15 and inserting "**DIVERSIFY THE ECONOMY AND ENCOURAGE JOB CREATION**".

4. Amend page 2, line 17, after "**INVESTMENT**" by striking out the balance of the line through "**LAW.**" on line 19 and inserting "**BOARD TO DETERMINE THE EXPENDITURE BY THE JOBS FOR MICHIGAN FUND OF THE PROCEEDS OF BONDS AUTHORIZED UNDER THIS SUBSECTION.**".

5. Amend page 3, line 2, after "**IV.**" by inserting "**THE RESULTS OF THE AUDIT SHALL BE MADE AVAILABLE TO THE PUBLIC AS PROVIDED BY LAW.**".

6. Amend page 3, following line 6, by inserting:

"THE ACTIVITIES AUTHORIZED UNDER THIS SUBSECTION SHALL BE KNOWN AS THE JOBS FOR MICHIGAN PROGRAM."

7. Amend page 3, following line 11, by inserting:

"Resolved further, That it is the intent of the legislature that when submitted to the people the amendment shall be presented with the following question:

A PROPOSAL TO AMEND THE STATE CONSTITUTION TO AUTHORIZE BONDS TO DIVERSIFY THE ECONOMY AND ENCOURAGE JOB CREATION IN MICHIGAN

The proposed constitutional amendment would:

- Authorize the Jobs for Michigan Program to diversify the economy and encourage job creation in Michigan based on recommendations from business and technology experts.

- Authorize State of Michigan to issue general obligation bonds up to \$1 billion to finance the program, pledging the state's full faith and credit for principal and interest repayment.
- Establish a dedicated fund for bond proceeds with appropriation of proceeds by majority vote of legislature and expenditure authorization by an oversight board.
- Require annual independent public audit of Program.
- Prohibit a Jobs for Michigan Program board from imposing or increasing taxes.

Should this proposal be adopted?

YES []

NO []”.

The amendments were adopted, a majority of the members serving voting therefor.

Senator Van Woerkom offered the following amendment:

1. Amend page 3, following line 2, by inserting:

“THE JOBS FOR MICHIGAN FUND AND THE STRATEGIC ECONOMIC INVESTMENT BOARD SHALL NOT BE AUTHORIZED BY LAW TO IMPOSE OR INCREASE ANY TAX.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hammerstrom requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 201

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The question being on the adoption of the joint resolution,

The joint resolution was adopted, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 202

Yeas—32

Allen	Clark-Coleman	Hardiman	Schauer
Barcia	Clarke	Jacobs	Scott
Basham	Cropsey	Johnson	Sikkema
Bernero	Emerson	Kuipers	Stamas

Birkholz	Garcia	Leland	Switalski
Brater	George	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cherry	Hammerstrom	Prusi	Van Woerkom

Nays—6

Bishop	Gilbert	McManus	Sanborn
Cassis	Jelinek		

Excused—0**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the joint resolution.

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 533 and adoption of Senate Joint Resolution C.

Senator Cassis' statement is as follows:

I voted "no" on Senate Bill No. 533 and Senate Joint Resolution C based on certain philosophical and economic principles emphasizing the role and enhancement of the entrepreneurial spirit which, once freed from overly burdensome regulations and taxes, provides the spark, takes the risk, and uses creative and innovative expertise to create jobs—spurring a strong economy. Give them the freedom!

As one Senator, in my opinion, representing almost 300,000 citizens, our state would be better served by investing in broad-based tax relief, providing the incentive and the motivation to invest right here right now. Bonding presents a risk and costs being spread to all taxpayers coming out of the General Fund accompanied by bureaucratic decision-making. Should a government investment in a particular business go sour, there is no trigger mechanism to repay or halt the grant or loan. Michigan's bond rating also could react negatively to our state's risk gone amuck.

Let's encourage winners to emerge on their own in an attractive business climate with motivation to take the risk themselves. Government's record of picking winners is speculative, especially now in a very fast-changing technological and global environment, where our stock market is replete with winners today becoming losers tomorrow. There is so much precedent in America for trusting in private enterprise, in their fiduciary acumen, to make decisions to succeed rather than risking taxpayers' dollars in trying to predict winners.

The following bill was read a third time:

Senate Bill No. 211, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41301 (MCL 324.41301), as added by 2003 PA 270.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 203**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Basham moved that he be named co-sponsor of the bill.

The motion prevailed.

Senator Hammerstrom moved that Senator Garcia be excused from the balance of today's session.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 212, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41303 (MCL 324.41303), as added by 2003 PA 270.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 204

Yeas—37

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry			

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.
 Senator Basham moved that he be named co-sponsor of the bill.
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 213, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41305 (MCL 324.41305), as added by 2003 PA 270, and by adding section 41306.

The question being on the passage of the bill,
 The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 205**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry			

Nays—0**Excused—1**

Garcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.
 Senator Basham moved that he be named co-sponsor of the bill.
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 214, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41309 (MCL 324.41309), as added by 2003 PA 270.

The question being on the passage of the bill,
 The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 206**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry			

Nays—0**Excused—1**

Garcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.
 Senator Basham moved that he be named co-sponsor of the bill.
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 215, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 41311 and 41313.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 207**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry			

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.
 Senator Basham moved that he be named co-sponsor of the bill.
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 216, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 41321; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 208**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry			

Nays—0**Excused—1**

Garcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.
 Senator Basham moved that he be named co-sponsor of the bill.
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 217, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 41323; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 209

Yeas—37

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry			

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Basham moved that he be named co-sponsor of the bill.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 507, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13e of chapter XVII (MCL 777.13e), as amended by 2003 PA 269.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 210

Yeas—37

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	George	Leland	Stamas

Bishop
Brater
Brown
Cassis
Cherry

Gilbert
Goschka
Hammerstrom
Hardiman

McManus
Olshove
Patterson
Prusi

Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.
Senator Basham moved that he be named co-sponsor of the bill.
The motion prevailed.

Senator Schauer moved that Senator Emerson be temporarily excused from the balance of today's session.
The motion prevailed.

The following bill was read a third time:

Senate Bill No. 482, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 13 (MCL 125.2663), as amended by 2003 PA 259.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 211

Yeas—36

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—2

Emerson

Garcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4447, entitled

A bill to amend 2004 PA 403, entitled “Michigan boxing regulatory act,” by amending sections 11, 31, 33, 34, 47, 48, and 54 (MCL 338.3611, 338.3631, 338.3633, 338.3634, 338.3647, 338.3648, and 338.3654).

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 212**Yeas—36**

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom

Nays—0**Excused—2**

Emerson Garcia

Not Voting—0

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to regulate certain forms of boxing; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license and regulate certain persons engaged in boxing, certain persons connected to the business of boxing, and certain persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to promulgate rules; to provide for penalties and remedies; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 551, entitled

A bill to repeal enacting section 1 of 2004 PA 591.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 213**Yeas—36**

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom

Nays—0**Excused—2**

Emerson Garcia

Not Voting—0

In The Chair: Birkholz

Senator Patterson offered to amend the title to read as follows:

A bill to amend 2004 PA 591, entitled “An act to amend 1991 PA 179, entitled “An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date,” by amending section 213 (MCL 484.2213), as amended by 2000 PA 295; and to repeal acts and parts of acts,” by repealing enacting section 1.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 380, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17820 and 17822 (MCL 333.17820 and 333.17822), section 17820 as amended and section 17822 as added by 1987 PA 213.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 214**Yeas—36**

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom

Nays—0

Excused—2

Emerson

Garcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 446, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 224b (MCL 500.224b), as amended by 2002 PA 621.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 215

Yeas—36

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom

Nays—0

Excused—2

Emerson

Garcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 447, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 109f (MCL 400.109f), as added by 2000 PA 410.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 216**Yeas—36**

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom

Nays—0**Excused—2**

Emerson Garcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4560, entitled

A bill to amend 1945 PA 72, entitled "An act to prevent the importation from other states, and the spread within this state, of all serious insect pests and contagious plant diseases and to provide for their repression and control, imposing certain powers and duties on the commissioner of agriculture; to prescribe penalties for the violation of the provisions of this act; and to repeal certain acts and parts of acts," by amending the title and section 9 (MCL 286.259) and by adding section 10.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 217**Yeas—36**

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom

Nays—0

Excused—2

Emerson

Garcia

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4562, entitled

A bill to amend 1931 PA 189, entitled “The insect pest and plant disease act,” (MCL 286.201 to 286.226) by amending the title, as amended by 1984 PA 88, and by adding section 28.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 218**Yeas—36**

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom

Nays—0**Excused—2**

Emerson

Garcia

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to regulate the sale and distribution of nursery stock, plants, and plant products; to prevent the introduction into and the dissemination within this state of insect pests and plant diseases; to provide for the destruction and control of insect pests and plant diseases; to provide for the destruction of certain plants by owners of certain fruit trees; to provide for license and to provide for inspection; and imposing certain powers and duties on the director of agriculture; to provide for the promulgation of rules; and to prescribe penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4567, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12m of chapter XVII (MCL 777.12m), as amended by 2002 PA 421.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 219

Yeas—36

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom

Nays—0

Excused—2

Emerson	Garcia
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Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4613, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8801 (MCL 600.8801), as amended by 2000 PA 80.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 220

Yeas—36

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom

Nays—0

Excused—2

Emerson Garcia

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 335, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding section 17a.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 221**Yeas—36**

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom

Nays—0**Excused—2**

Emerson Garcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 4774

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Kuipers as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4774, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20129a (MCL 324.20129a), as amended by 2004 PA 114.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 538, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14501 and 14513 (MCL 324.14501 and 324.14513), section 14501 as amended by 2004 PA 333 and section 14513 as amended by 2004 PA 334.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 251, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 353, entitled

A bill to operate certain programs in the Michigan strategic fund; and to impose certain duties and responsibilities on certain state employees and public employees.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 4774

The motion prevailed, a majority of the members serving voting therefor.

The following bill was read a third time:

House Bill No. 4774, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20129a (MCL 324.20129a), as amended by 2004 PA 114.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 222

Yeas—34

Allen	Clark-Coleman	Johnson	Schauer
Barcia	Clarke	Kuipers	Scott
Basham	Cropsey	Leland	Sikkema
Bernero	George	McManus	Stamas
Birkholz	Gilbert	Olshove	Switalski
Bishop	Goschka	Patterson	Thomas
Brater	Hardiman	Prusi	Toy
Brown	Jacobs	Sanborn	Van Woerkom
Cherry	Jelinek		

Nays—0

Excused—2

Emerson

Garcia

Not Voting—2

Cassis

Hammerstrom

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 41**Senate Resolution No. 42**

The resolution consent calendar was adopted.

Senators McManus, Garcia, Hammerstrom, Allen, Birkholz, Kuipers, Toy and Brater offered the following resolution:

Senate Resolution No. 41.

A resolution to recognize July 9, 2005, as Child Passenger Safety Day.

Whereas, Motor vehicle crashes remain the single leading cause of death among children 14 years of age and younger; and

Whereas, Child safety seats and safety belts, when installed and used correctly, can prevent thousands of deaths and injuries; and

Whereas, Research has indicated that 2,136 children 14 years of age and younger died and another 253,000 were injured in vehicle crashes in 2003; and

Whereas, An estimated 82 percent of child safety seats are not installed or used correctly, and child safety seats, when used correctly, can reduce the risk of death in a vehicle crash by 71 percent for infants and 54 percent for children ages one through four; and

Whereas, Motor vehicle crashes can result in tragic and unnecessary death and injury to children when not properly restrained. It is estimated that if all children 14 years of age and younger were restrained properly, 182,000 serious injuries could be prevented annually; and

Whereas, The total annual cost of motor vehicle occupant-related death and injury exceeds \$25.8 billion for all children 14 years of age and younger. Every dollar spent on a child safety seat saves this country \$32 in health care expenses; now, therefore, be it

Resolved by the Senate, That we recognize AAA Michigan in designating July 9, 2005, as Child Passenger Safety Day in response to the need for increased education as it relates to the proper use and installation of child safety seats; and be it further

Resolved, That a copy of this resolution be transmitted to AAA Michigan as a symbol of our support for their efforts in saving lives.

Senators Barcia, Bishop, Cassis, Clarke, Goschka, Jacobs, Olshove, Schauer, Switalski and Thomas were named co-sponsors of the resolution.

Senator Allen offered the following resolution:

Senate Resolution No. 42.

A resolution to commemorate the 125th Anniversary of the founding of Wolverine, Michigan, and its important place in Michigan's history.

Whereas, We are proud to join with the residents and neighbors of the community of Wolverine in Cheboygan County, Michigan, in celebrating the upcoming 125th Anniversary of its inception. This milestone is an opportunity to celebrate the achievements of those brave settlers who founded the community, some of whose descendants remain in Wolverine to this day and continue to make it a wonderful place; and

Whereas, In 1847, settlers established the logging community on the banks of the Sturgeon River, which on January 2, 1881, became Wolverine, given its name by George B. Richard. In the same year, the Central Railroad constructed the Wolverine depot to enhance its growing logging industry. The depot, which still stands today, is one of Michigan's treasured historical sites; and

Whereas, By 1903, the population of Wolverine and its surrounding communities was over 1,000 people and was considered a booming logging community in northern Michigan, with many different lumberyards and mills; and

Whereas, Wolverine has been the home to such notable citizens as Dr. Marion Goddard, the first female doctor in northern Michigan; John Baird, Michigan's first conservation director; and "Wildcat" Charlie, a river hog with whom the Wolverine schools now share a nickname; and

Whereas, The citizens of Wolverine and its surrounding communities still number around 1,000 people. Wolverine is also the proud home of the Lumberjack Festival, which celebrated its 25th year in existence, helping the community recall its proud roots every summer; and

Whereas, With festivities to celebrate its history, its citizens and neighbors will remember the vision and dedication of those pioneers who worked to create Wolverine and will maintain that pioneering tradition of excellence in years to come; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of tribute be hereby accorded to commemorate the village of Wolverine on its 125th Anniversary and to express sincere appreciation for its rich history and its contributions to the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the village of Wolverine as evidence of our esteem and congratulations.

Senators Barcia, Birkholz, Bishop, Cassis, Clarke, Garcia, Goschka, Jacobs, Olshove, Schauer, Switalski, Thomas and Toy were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Gilbert introduced

Senate Bill No. 579, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 1999 PA 140.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

House Bill No. 4322, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17766f. The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

House Bill No. 4813, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

House Bill No. 4814, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

House Bill No. 4815, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

House Bill No. 4816, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

House Bill No. 4817, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2000 PA 259.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

House Bill No. 4818, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

House Bill No. 4819, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 9 (MCL 125.2689).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

Statements

Senators Basham, Sikkema, Scott and Johnson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Basham's statement is as follows:

Last week, Vermont Governor Jim Douglas signed Vermont's smoke-free workplace bill into law. The law which provides clean air for all of Vermont workers, including bar, pub, tavern, cabernet, and nightclub workers, goes into effect September 1st of this year. Vermont joins California, Delaware, New York, Connecticut, Maine, Massachusetts, Rhode Island, and Montana as the nation's ninth state to enact smoke-free workplace legislation for all workers, including restaurants and bar workers.

Senator Sikkema's statement is as follows:

I rise just to make a few comments about the Senate's good work today on the bond proposal. I didn't make my comments during the debate just because of the time pressure that we were in. I want to congratulate Senator Garcia for the leadership that he has exercised on this. And, as I said earlier, I want to congratulate the Senate for their good work today.

I am convinced that a properly focused bond initiative is where the state asks for approval from the taxpayers to borrow money that they have to pay back over a long period of time. I'm convinced that a properly focused one can, in fact, help us to diversify our economy and in the long-term help the private sector create jobs in Michigan.

Now I also want to say that a billion dollars is a lot of money. There is a lot of debate and discussion about what level is proper, but even people who support a larger amount, I would hope would recognize that we're dealing with taxpayers—you know, a billion dollars of anyone's money is a lot of money—and here we are dealing with the taxpayer dollars. We, if they support this, will be paying that back over a long period of time, over 30 years in fact. That

expenditure is the first expenditure from the state General Fund. We're making a statement today. Any bond proposal like this is basically making the statement that of all the expenditures in the state budget where we obligate the General Fund, this is the No. 1 priority. That is, in essence, what we are saying. I happen to agree with that. I happen to agree that efforts to diversify our economy, which I hope lead to the creation of good, high-paying jobs, is the No. 1 issue in the state of Michigan.

So I don't want to prolong my statement other than to congratulate the Senate; to put myself on record here saying I think that if we focus this bond proposal, the governing board is the right governing board with the majority of business people. A peer review system that is based on the experience that we've had, the good experience in the Life Sciences Corridor, that this, in fact, could do what it says it will do, and that is to help diversify our economy. I look forward to the day, and I hope it is this fall, where I can go out and campaign aggressively for this proposal—or a similar proposal—and I can in good conscience ask the voters of Michigan to, in turn, support it.

Senator Scott's statement is as follows:

Today I would like to commend OFIS for moving a step further in creating a pilot program for Detroit and Flint called a purchasing group, by using churches and neighborhood associations and other associations to work with insurance companies to have affordable insurance because, especially in urban areas, they realize that they are being charged premiums for home and auto insurance that they simply cannot afford. That's what I've been talking about—affordability.

So I'm hoping that this works, and when this pilot program has been completed, we will move into all areas that deal with zip codes.

Senator Johnson's statement is as follows:

I originally was going to arise to make an announcement, but I've decided instead to speak about the vote on the bonding proposal because I voted for it and proudly so. I hope many of you saw the editorial that appeared just a week or so ago in *The Detroit News* where they urged this body and the body across the hall to be bold.

Michigan is in deep, deep trouble, and we all recognize that. It is time to stand up and have a little guts and do what it is we have to do for all of Michigan and not be myopic. Putting blinders on does not solve this problem, and being cautious and conservative is not going to address this problem. Being a little gutsy will. Yes, we're taking some chances and proudly so.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 4444, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9101, 9105, 9106, 9110, and 9113 (MCL 324.9101, 324.9105, 324.9106, 324.9110, and 324.9113), section 9101 as amended by 2001 PA 227 and sections 9105, 9106, 9110, and 9113 as amended by 2000 PA 504.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 4774, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20129a (MCL 324.20129a), as amended by 2004 PA 114.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom and Brater

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
Meeting held on Tuesday, June 7, 2005, at 3:00 p.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

The Committee on Commerce and Labor reported

Senate Bill No. 387, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.
With the recommendation that the substitute (S-3) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy and Olshove

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

Senate Bill No. 393, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.
With the recommendation that the substitute (S-3) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy and Olshove

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:
Meeting held on Tuesday, June 7, 2005, at 3:00 p.m., Room 100, Farnum Building
Present: Senators Allen (C), Toy, Schauer and Olshove
Excused: Senator McManus

The Committee on Appropriations reported

Senate Bill No. 268, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman and George

Nays: Senators Prusi, Barcia, Scott, Cherry, Clarke and Switalski

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Appropriations reported
Senate Bill No. 274, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.
 The committee further recommends that the bill be given immediate effect.

Shirley Johnson
 Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman and George

Nays: Senators Barcia, Scott, Cherry, Clarke and Switalski

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Appropriations reported
Senate Bill No. 269, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
 The committee further recommends that the bill be given immediate effect.

Shirley Johnson
 Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Appropriations reported
Senate Bill No. 278, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
 The committee further recommends that the bill be given immediate effect.

Shirley Johnson
 Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Barcia, Cherry, Clarke and Switalski

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Appropriations reported
Senate Bill No. 267, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
 The committee further recommends that the bill be given immediate effect.

Shirley Johnson
 Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Cropsey, Jelinek, McManus, Hardiman and George

Nays: Senators Prusi, Scott, Cherry, Clarke and Switalski

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, June 7, 2005, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, June 8, 2005, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Kuipers, Birkholz, Cassis, Olshove, Leland and Bernero

Excused: Senator Brown

Scheduled Meetings**Appropriations -****Subcommittees -**

K-12, School Aid, Education and Education - Thursday, June 16, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6960)

Natural Resources Department - Wednesday, June 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Education and K-12, School Aid, Education Appropriations Subcommittee - Thursday, June 16, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Judiciary - Friday, June 10, 10:00 a.m., Jay's Sporting Goods, 8800 S. Clare Avenue, Clare; and Saturday, June 11, 10:00 a.m., Bay de Noc Community College, Heirman Center, Room 952, Escanaba (373-3760)

Senior Citizens and Veterans Affairs - Wednesday, June 15, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 12:19 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, June 14, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

